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Attorneys for Defendants  
CITY AND COUNTY OF SAN FRANCISCO,  
AND PAUL MIYAMOTO, IN HIS OFFICIAL  
CAPACITY AS SAN FRANCISCO SHERIFF

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JOSHUA SIMON, DAVID BARBER, AND  
JOSUE BONILLA, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED, DIANA BLOCK,  
AN INDIVIDUAL AND COMMUNITY  
RESOURCE INITIATIVE, AN  
ORGANIZATION,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, PAUL MIYAMOTO, IN HIS  
OFFICIAL CAPACITY AS SAN  
FRANCISCO SHERIFF,

Defendants.

Case No. 4:22-cv-05541-JST

**DECLARATION OF ALEXANDER J.  
HOLTZMAN IN SUPPORT OF MOTION TO  
MODIFY OR STAY IN PART PRELIMINARY  
INJUNCTION**

Judge:	Honorable Jon S. Tigar
Courtroom:	Courtroom 6, 2nd Floor
Hearing Date:	March 21, 2024 (Pending Motion to Shorten Time)
Time:	2:00 p.m.
Date Action Filed:	September 8, 2022
Trial Date:	Not Set

1 I, ALEXANDER J. HOLTZMAN, declare as follows:

2 1. I am a Deputy City Attorney for the City and County of San Francisco. I am counsel for  
3 Defendants in this matter. The facts set forth in this declaration are stated on my own personal  
4 knowledge or, as specified, upon my information and belief based on official acts and writings. If  
5 called upon to testify, I could and would testify competently here.

6 2. I submit this declaration in support of Defendants' Motion to Modify or Stay in Part  
7 Preliminary Injunction.

8 3. Attached as **Exhibit A** is a true and correct copy of the transcript of a hearing held on  
9 August 25, 2023 in the cases of *People v. Joshua Isiah Simon*, S.F. Super. Ct. Case Nos. CRI-  
10 22004986, 22015590, 23007617. During this hearing, Simon was released from custody on mental  
11 health diversion conditional on participation in the PTEM Program. Of note, the Superior Court  
12 discussed with Simon the four-way search condition and location data sharing conditions. As to  
13 location data sharing, the Superior Court informed Simon that his "GPS location data can be shared  
14 with law enforcement agencies." Ex. A at 14:11–12. The Superior Court then asked Simon, "Are you  
15 agreeable to those terms?" *Id.* at 14:16. Simon responded, "Yes, sir." *Id.* at 14:17.

16 4. Defendants plan to appeal at least a portion of the preliminary injunction.

17 I declare under penalty of perjury under the laws of the United States of America that the  
18 foregoing is true and correct.

19 Executed on this 16th day of February 2024, at San Francisco, California.

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21 /s/ Alexander J. Holtzman  
22 ALEXANDER J. HOLTZMAN  
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